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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-
06-10725 LBR

**NOTICE OF HEARING REGARDING
OBJECTION OF THE USACM
LIQUIDATING TRUST TO TERI L.
MELVIN CLAIM ASSERTING
PRIORITY STATUS WITH
CERTIFICATE OF SERVICE**

Hearing Date: September 28, 2007
Hearing Time: 1:30 p.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THIS IS NOT AN OBJECTION TO THE VALIDITY OR
AMOUNT OF YOUR CLAIM, RATHER IT ARGUES THAT YOUR CLAIM IS
NOT ENTITLED TO PRIORITY STATUS. THE DEADLINE TO RESPOND TO
THE OBJECTION IS SEPTEMBER 10, 2007. PLEASE DO NOT CONTACT THE
CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR
CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE**

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1 **FILING OF A CLAIM SHOULD BE DIRECTED TO BMC GROUP AT 888-909-**
2 **0100, OR WWW.BMCGROUP.COM/USACMC, or to the undersigned counsel.**

3 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
4 through its counsel, has filed an Objection to your Claim Asserting Priority Status (the
5 “Objection”). The USACM Liquidating Trust has requested that this Court enter an order,
6 pursuant to section 502 of title 11 of the United States Code (the “Bankruptcy Code”) and
7 Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), for an
8 order denying priority status to your claim asserting a Priority Claim against USA
9 Commercial Mortgage Company (“USACM”).

10 Specifically, the USACM Liquidating Trust argues that there is no basis in the
11 proof of claim or in the books and records of the Debtors that would support a priority
12 Claim. The USACM Trust objects to the Claim on the basis that it is not one of the ten
13 types of Claims entitled to priority status under Sec. 507, and asserts it should be
14 reclassified as a general unsecured Claim. The claimant has produced no evidence or
15 documentation supporting the contention that it should be treated as a priority Claim. The
16 USACM Trust does not object to the validity or amount of the Claim at this time, but
17 reserves the right to do so in the future. The Trust requests that the Court reclassify the
18 claim as a general unsecured claim (albeit subject to additional objections). As explained
19 in the objection, the USACM Liquidating Trust may have other objections to the claim
20 that will be filed later.

21 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
22 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
23 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
24 **September 28, 2007, at the hour of 1:30 p.m.**

25 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
26 **SEPTEMBER 28, 2007, WILL BE HELD FOR THE PURPOSE OF STATUS**

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**CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO
ARGUMENTS WILL BE HEARD ON THAT DATE.**

NOTICE IS FURTHER GIVEN that any response to the Objection must be filed
by **September 10, 2007**, pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* without formally calling the matter at the hearing.

Dated: August 20, 2007.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)

Rob Charles, NV 6593

Counsel for USACM Liquidating Trust

COPY of the foregoing served via email where an email address is listed, and if no email address is listed, by first class mail, postage prepaid, on August 20, 2007, to the following party:

Teri L. Melvin
2704 Chokecherry Avenue
Henderson, NV 89074-1990

By: /s/ Candice Elliott
Candice Elliott